

## Memorandum

Date:

March 16, 2016

To:

West Linn Planning Commission

From:

Darren Wyss, Associate Planner

Subject: CUP-15-03 - Additional Materials for Public Hearing

### The following information is attached:

1. Amended Condition of Approval 12 - Staff Recommendation

- 2. West Linn-Wilsonville School District Letter Dated March 11, 2016, RE: Sanitary Sewer Connection and Amending Condition of Approval 12
- 3. Public Comment Received Since the March 3, 2016 Staff Report

Please feel free to contact me at  $\underline{dwyss@westlinnoregon.gov}$  or 503-722-5512 with any questions regarding the materials or process.

## Amended Condition of Approval 12 – Staff Recommendation

### Remove the following:

12. Sanitary Sewer Improvement. The applicant shall install approximately 450 feet of sewer main with the associated manholes and sewer laterals along Bittner Street to the connection point on Long Street in accordance with Exhibit PC-6 and Staff Finding 92. Construction of approximately 175 feet of sewer main, associated manholes, and the 12 sewer laterals will be reimbursed by the City pursuant to Exhibit PC-6.

### Replace with:

- 12. <u>Sanitary Sewer Improvement.</u> The applicant shall install sanitary sewer improvements to serve Sunset Primary School by either:
  - a. Installing approximately 450 feet of sewer main with the associated manholes and sewer laterals along Bittner Street to the connection point on Long Street in accordance with Exhibit PC-6 and Staff Finding 92, and the City will reimburse the applicant for approximately 175 feet of sewer main, associated manholes, and 12 sewer laterals pursuant to Exhibit PC-6; or
  - b. Connecting the existing sanitary sewer main at Sunset Primary School to the Oregon City Loop sanitary sewer main.



## West Linn - Wilsonville Schools

March 11, 2016

West Linn City Planning West Linn City Hall 22500 Salamo Road West Linn, OR 97068 Electronic Delivery 3/11/16

ATTENTION:

Darren Wyss, Associate Planner

RE:

Sunset Primary School Replacement

CUP-15-03, DR-15-17, VAR-15-01, VAR-15-02, VAR-15-03

### Darren:

Recent conversation between City of West Linn Public Works engineers and KPFF Civil Engineers (District civil engineer) indicate that public sanitary sewer connection for the new Sunset Primary School is available down Bittner Street to Long Street, or; alternatively, to the east of the site in Oregon City Loop via existing public utility easement.

The above referenced Conditional Use Permit Staff Report includes Condition 12 (page 6) proposing a public sanitary sewer connection in Long Street. Given the possibility of an alternative solution that may be achieved with; 1) a lower cost to the public, 2) minimal-to-no impact to the site or adjacent properties, and 3) into a newer, modern designed sanitary sewer system with excess capacity in Oregon City Loop, the Applicant is hereby requesting an additional Condition 12(b) allowing the Oregon City Loop option.

Thank you for your consideration. If you have questions please contact me at 503-673-7976.

Sincerely,

DEPARTMENT OF OPERATIONS

Tim K. Woodley, Director

March 15, 2016

To the West Linn Planning Commission:

In Re: File No. CUP-15-03/DR-15-17/VAR-15-01/02/03



This petition represents the sentiments stated on the petition regarding the proposed Sunset Primary School development application.

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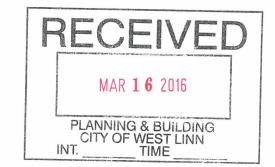
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March 15, 2016



Re: File No. CUP-15-03/DR-15-17/VAR-15-01/02/03

Proposed Sunset Primary School Development Application

Sunset Park and Sunset School create learning experiences allowing for developmental opportunities for our children.

If we work together we can see that our Sunset Park and our school continue to offer these opportunities for our children, families and community. It is my understanding that the new school would draw attention to ecology, appreciation and respect for our planet and environment.

With the school open approximately 180 days a year, leaving the other half closed it would be a disservice and mistake to lose the "park", which is open every day of the year.

Research continues to show the positive effects nature and free play provide for all. We teach our children that when presented with a problem, we need to solve it. Let's show by example that we have their best interest at heart and can solve this by working together and providing a new school design that allows the community to keep our park. Children, families and the community stand to benefit.

The current school design is not acceptable. The school district needs to come up with a new plan and design that allows the Park o live on as it is.

Cheryl Varvel

Property owner: 4740 Bittner, West Linn Oregon 97068

March 15, 2016

Re: File No. CUP-15-03/DR-15-17/VAR-15-01/02/03

Proposed Sunset Primary School Development Application



The parcels of land making up Sunset Park were dedicated to the city in 1951. When accepting this beautiful area the city agreed (warranty deed) that it would "forever defend and use this land as a park and for recreational activities".

The northern portion of Sunset Park where the parking lot and detention pond are proposed, is the most used by Sunset neighborhood families and children. It is and has been a focal point for Sunset families and children for generations.

This beautiful area provides a place for new families to meet their neighbors and the children of Sunset neighborhood.

A beautiful setting for families and children to socialize and develop new relationships and friends.

It is an outdoor community center and classroom open every day of the year. A beautiful theater where children develop and learn new social skills through "free play".

This most used area of Sunset Park promotes the health and strength of the Sunset neighborhood and community.

It provides a "safety net" for the children of the Sunset neighborhood.

The loss of this area is not acceptable. The school district needs to develop a smarter more suitable plan which embraces the Sunset neighborhood not destroy it.

The school district often states "we do what's best for kids". The current proposal where the north end of the park be turned into a parking lot and detention pond in not "what is best for our kids".

Richard Varvel

Property owner; 4740 Bittner, & 2650 Knox West Linn Oregon 97068

March 11, 2015

Re: File No. CUP-15-03/dr-15-17/var-15-01/02/03

Proposed Sunset Primary School Development Plan



A Sunset Neighborhood Association (SNA) meeting was held in Feb. 2015. One of the guest speakers was the representative of the Parks Department. The discussion was to address the "new" Sunset Park, i.e. ideas for play structures, social areas etc.

During this discussion comments were made regarding the proposed detention pond and the impact it would have on the remaining trees in the park. Neighbors brought the concern forward that Douglas Fir do not adjust well to too much water in their root system and could die. A comment was shared that since the wading pool has been filled with cement the area in the play area is now super saturated with water. The city representative indicated that (further downhill) there is already some flooding in the fire hall, source unknown. His response regarding the Douglas firs trees and the potential risk was "good thing our storms come from the south, that way they will fall into the park".

Does the city not have some responsibility to address the potential harm to properties, both public and private that adjoin a "new development".

The present proposal submitted for the Sunset Primary School should be denied as the school district nor the City of West Linn, have not addressed the real and potential negative impact the "new" development" may have on adjoining public and private properties.

The school district needs to reconsider building the new school on the present school's footprint. It needs to incorporate plans to minimize, mitigate storm water run off. (Water Resource Building, Salem, would be an excellent resource)

Richard Varvel

Property owner; 4740 Bittner, 2650 Knox West linn Or.

From:

Darek Czokailo

Sent:

Wednesday, March 16, 2016 3:31 PM

To:

Wyss, Darren

Subject:

FW: File No. CUP-15-03/DR-15-17/VAR-15-01/02/03



To Whom It May Concern,

Re: File No. CUP-15-03/DR-15-17/VAR-15-01/02/03
Planning Commission for the Public Hearing regarding Sunset Primary School

My name is Darek Czokajlo. I have Master's Degree in forestry and Ph.D. in forest entomology and insect chemical ecology. For the past 14 years I have lived at 2070 Tumwater St, West Linn, OR (just south of Sunset Park).

The Douglas-Fir trees in Sunset Park have been growing for the past several decades as one, continuous stand. The trees that grow inside the stand will naturally prune the lower branches. The trees that grow on the perimeter of the stand (park) retain these lower branches. These trees serve as a natural wind break to prevent those inside the stand from being felled or broken by the wind. Removal of several trees from the perimeter on the northern part of Sunset Park can endanger trees inside the park and make them vulnerable to wind break. Such an incident is well observed along Hwy 26 and Hwy 6 toward the Oregon Coast where large number of trees have been felled by the high winds as a consequence of creating large clear cuts during the logging process.

The removal of these trees can endanger not only trees but all human dwellings surrounding the park. The high winds can fell the trees and in consequence they will fall on houses across the street.

On the personal note. Living South and below the park we always experience some water damage in the winter. Our street does not have sidewalks nor curbs and a large amount of water ends up in our backyard and basement. Removal of several trees from top of the hill will make our water problem even worse.

Sincerely,

Darek Czokajlo, Ph.D. President

Alpha Scents, Inc.

From:

Noelle Bledy <

Sent:

Wednesday, March 16, 2016 11:57 AM

To:

Wyss, Darren

Subject:

Fwd: File No. CUP-15-03/DR-15-17/VAR-15-01/02/03

**Attachments:** 

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imagejpeg\_0.jpg; imagejpeg\_0.jpg; imagejpeg\_0.jpg

Date correction on this. March 12, 2016.

----- Forwarded message -----

From: Noelle Bledy <noellebledy@gmail.com>

Date: Wednesday, March 16, 2016

Subject: Re: File No. CUP-15-03/DR-15-17/VAR-15-01/02/03

To: "Wyss, Darren" < dwyss@westlinnoregon.gov >, Carrie Hansen < Carriehansen1@yahoo.com >

Re: File No. CUP-15-03/DR-15-17/VAR-15-01/02/03

To the Planning Commission for the Public Hearing regarding Sunset Primary School Building Application.

Original Sunset Park 1.6 acres

Bittner Street

At its most wet this year on March 12, 2016

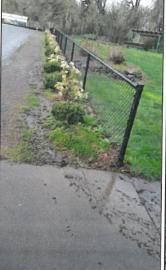
The play structure bark chip area started to have elevated draining problems after the wading pool was filled with concrete, due to runoff water. When our children were younger, the pool was not full of concrete, thus the play area was not this wet.

Thank you,

Noelle Bledy and Carrie Hansen Sunset Neighborhood













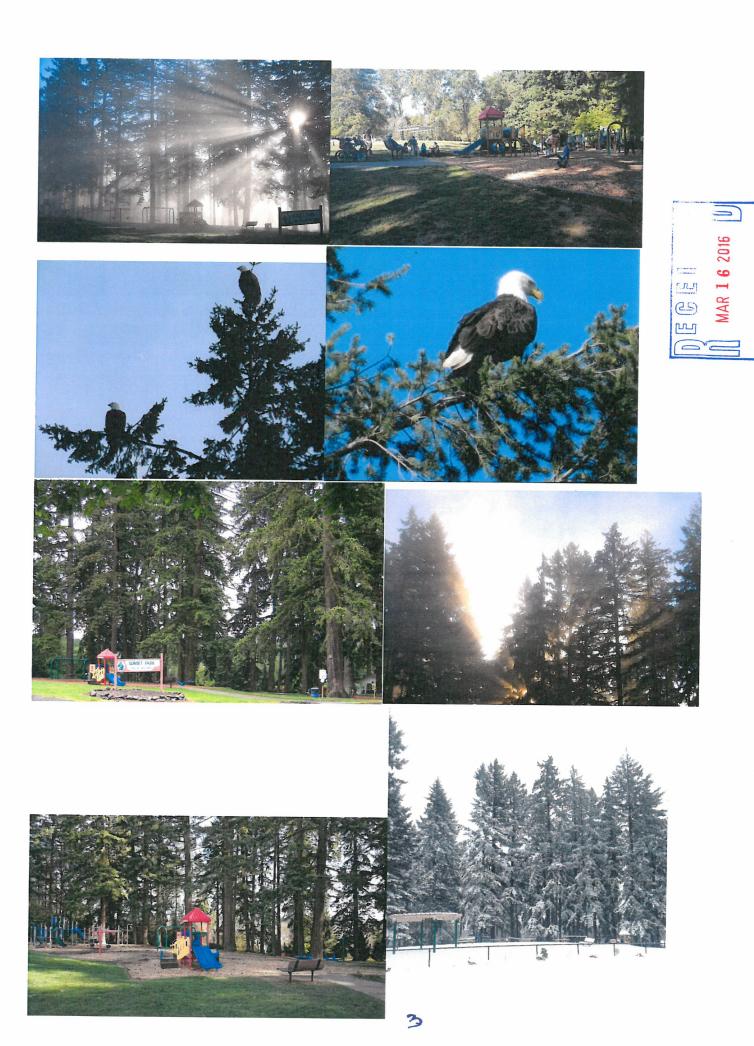












From:

Noelle Bledy (moellebled)

Sent:

Wednesday, March 16, 2016 11:28 AM

To:

Wyss, Darren

Subject:

Re: File No. CUP-15-03/DR-15-17/VAR-15-01/02/03

**Attachments:** 

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DEGE | WE | MAR 1 6 2016 | By

Re: File No. CUP-15-03/DR-15-17/VAR-15-01/02/03

To the Planning Commission For the Public Hearing regarding Sunset Primary School Building Application

Original Sunset Park 1.6 acres Bittner Street March 2, 2016

The play structure bark chip area started to have elevated draining problems after the wading pool was filled with concrete, due to runoff water. When our children were younger, the pool was not full of concrete, thus the play area was not this wet.

Noelle Bledy and Carrie Hansen Sunset Neighborhood





From:

Troy Bowers ◀

Sent:

Wednesday, March 16, 2016 7:09 AM

To: Subject: Wyss, Darren Sunset CUP

Hi Darren –



Thank you for helping WLWV keep Sunset School in Sunset! I think there is a lot of merit to doing that from a community point of view and a social justice point of view. As you and I know, you do your best to compromise. In the end, the best outcome possible, most of the time, is keeping most of the people happy. Our forefathers in West Linn saw the value and efficiency of co-locating schools and parks in Sunset and Bolton. They have served the community very well. With your support and the good work of the WLWV team and community, we will still have that in Sunset although the proportions will be slightly different.

I previously served at the SNA president for a number of years and was instrumental in having the school remain at its historical site and in helping reach the compromise to sell a portion of the park to WLWV to make this happen and even helped the campaign in that regard. Having moved out of Sunset last summer, I have been removed from the details of recent community coordination and permitting as the current SNA officers felt that they had a good handle on it without me. I still live in West Linn and remain supportive of this project.

I will note that the City has deferred moving forward with replacing the kiddy pool which was shut down many years ago. Now that the school footprint is established, I look forward to the City moving forward with replacing the kiddy pool with a splash park. As part of that, it'd be great to develop a design for improving the whole of Sunset Park. As per the Sunset Neighborhood plan, the park, school and fire hall form the center of the neighborhood and provide a place for birthdays, graduations and wedding receptions amongst other family centric activities. It is vitally important to end up with a healthy balance of park and play facilities as the school comes to fruition.

The site plan feels like the right compromises in order to keep a school in Sunset. It is admittedly more than using the prior portion of park solely as a staging area. It can be argued though that the parking is available to the park when school is not in session and that the stormwater facility will/should be planted and maintained as an amenity and not left to be an eyesore.

I look forward to seeing the finished product☺

I have a conflict tonight and will not be able to attend. Please enter my email as part of the record of testimony. Thank you.

My best,

Troy

Troy Bowers, P.E. | President

Licensed in OR, WA, ID

121 SW Salmon, Suite 900 | Portland, Oregon 97204-2919 | www.msa-ep.com Murray, Smith & Associates, Inc. | Your Public Works Partner

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From:

Julie O'Connell **Aulieoconne** 

Sent:

Tuesday, March 15, 2016 9:20 PM

To:

Wyss, Darren

Subject:

Re: File No. CUP-15-03/DR-15-17/VAR-15-01/02/03



Re: File No. CUP-15-03/DR-15-17/VAR-15-01/02/03

To The West Linn Planning Commission, for the Public Hearing regarding Sunset Primary School:

As long time residents of the Sunset School neighborhood, we are very concerned with the apparent changes made to the plans to rebuild Sunset School, which include many changes to Sunset Park and the removal of a significant number of large trees.

We love having the park and school in our neighborhood. We raised three children here and spent many hours in the park playing with them, picnicking, and enjoying the cool of the trees on a hot summer afternoon. For the last eight years my husband has walked our dog in the park twice a day, annoying the squirrels and giving our spaniel a chance to stretch her legs. This park is part of the neighborhood, and the trees are a vital part of the park.

We would ask the Planning Commission to please keep the park as close to it is now - which is what we thought was going to happen when the initial vote was taken to replace the school. We were told that the rebuilding of the school would preserve significant trees at the park and the building site. The trees make the park. Period. Don't jeopardize them by uprooting their ecosystem. Don't chop them down to let in light. Don't change the park at all. You <u>cannot</u> replace a hundred year old Douglas Fir, not in our lifetimes.

This park is a jewel in what was a working-class neighborhood. We're not the richest or most posh area. Our homes aren't on the Street of Dreams. But we have the park and the school as a tether and a center, which makes this a desirable place to live. It contributes to our home values, and to our quality of life. Please reconsider the plan on the table and instead make one that protects the majority of the trees in the park.

Thank you.

Julie O'Connell Jim O'Connell 4568 Exeter Street West Linn, OR 97068

From:

dtripp8785 <dtripp8785@comcast.net>

Sent:

Tuesday, March 15, 2016 3:19 PM

To:

Wyss, Darren

Subject:

Planning commission hearing on sunset primary school

Please forward to planning commission for Wednesday hearing.

Please add my voice to those advocating keeping the scope of new Sunset Primary school within the bounds outlined in the original ballot measure as originally passed in the citizens vote. Deny any proposed revisions to that ballot.

David Tripp 4999 Prospect St West Linn

Sent from my Sprint Samsung Galaxy S® 6.



To: The West Linn Planning Commission

March 14, 2016

Regarding: File No. CUP-15-03/DR-15-17/VAR-15-01/02/03

From:

Kim McDermaid

2111 Sunset Ave.

West Linn, OR 97068

### Commissioners:

I live on a property that directly abuts Sunset Creek. It is my understanding that the development plan for the new Sunset Primary School includes a large storm water detention pond with an overflow pipe that would run down Bittner Street and empty into a culvert that empties into Sunset Creek. The creek by my home is a narrow meander that is very prone to overflowing its banks during strong rain storms and causing flooding damage. I am very concerned about anything that would add volume to this stream during rain events.

It is further my understanding that the application of the school does not include any analysis of whether this overflow pipe would add volume to Sunset Creek during heavy rain events. I have been told that Community Development Code (CDC) sections 55.130B, C and 92.010E require an analysis of potential adverse downstream and off site impacts. It is my understanding that this has not been done. I urge the commission to make sure that all needed and required analysis take place before making any decision and that the commission consider other alternatives to the detention pond and overflow pipe. Anything that adds significant volume to this stream during heavy rain storms has the real potential to cause damage not just at the property where I live, but downstream as well. Thank you for your due diligence and careful analysis of this situation.

Sincerely

Kim McDermaid



RE: File No. CUP-15-03/DR-15

To the Planning Commision, School Board, and City of AWest 2016 Linn:

PLANNING & BUILDING

We are Sunset neighborhood residents, Zack and Monica Monica Lorts, and have lived in the Sunset area for over 30 years. We have used Sunset Park regularly during that time, enjoying picnicking, the old growth trees, playground space, and family gathering area. Our three children all attended Sunset primary school.

We are very concerned about the bait and switch scheme that was employed to attract votes for the plan to build a new Sunset primary school, and the current, vastly different one, now seeking ratification.

We were never made aware that the park would be used for purposes specifically forbidden by the original Grantor; that would kill and probably damage over 75 of these historic, majestic trees, put in parking, and erect a bio-swell that would eliminate most of the remaining usable park space. It is simply foolish to believe any voter would have approved the actual result of this proposal. If the proposal had accurately and, most importantly, truthfully shown the actual footprint intended, we could accept the voters' decision. Instead, we were all misled, and, in reality, lied to by the sponsors of the proposal. We cannot fathom that the sponsors were unaware of the Statutory requirements and Codes in play for this project that ultimately resulted in the basic consumption of the usable part of Sunset Park.

This is not right. Either reject this plan, or revise it so that it comports with what the voters believed they were approving. Rebuild school, which we concur is necessary, elsewhere on the existing site, so as to MAINTAIN THE INTEGRITY OF SUNSET PARK.

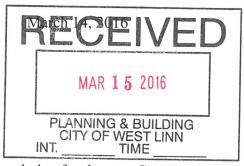
Zack Lorts

Monica Lorts

To: The West Linn Planning Commission

Re: File No. CUP-15-03/DR-15-17/VAR-15-01/02/03

Proposed Sunset Primary School Development Application



I'm writing to inform you of my concerns in regard to the proposed plan for the new Sunset Primary School. Although I feel sure that we all basically want the same thing, a new school that will provide the best possible education to the local students while having the least detrimental impact on the neighbors and the neighborhood, I fear that opinions differ as to what would be 'detrimental' to those living nearby.

First, let me assure you that I, as well as the other members of the public who oppose the current plan, are in agreement about wanting a new school in the area where the present school is now located. However, I am distressed at how the planning has been and is being handled, particularly in regard to the destruction of trees, both to make way for the planned building, and in the area of the proposed Storm Water Detention Pond.

I have been an environmentalist for over 50 years, and though I haven't gone off to save lions in Africa, or jaguars in Brazil or Belize, I feel it is important to do what I can where I am. The older trees that are slated for removal as well as those that are expected to die due to an oversaturation of the area around and downhill from the Pond, will open up holes in what now acts as a windbreak, (as well as homes for local wildlife) and will leave the trees on the adjacent properties open to both the destructive forces of the winds that come around the south end of the hill, and the undermining brought on by higher saturation levels in their root areas. This could, and most likely would, have a domino effect of tree loss, so that the initial estimate of trees removed and damaged would be far under the actual number affected. It is the abundance of trees that keeps our air clean and breathable, and holds the land in place. In addition, the inadvertent destruction of surrounding trees would be a financial burden on the neighboring homeowners, who would have to pay for the removal of falling trees along with the repairs for damage brought on by such 'Acts of God.'

Another problem with the proposed design is the planned Storm Water Detention Pond itself, which is to be situated on an upslope site, although such ponds are traditionally located in low lying areas. Since I live downslope on Oregon City Loop, I am concerned with what will eventually happen to the water that is diverted into this pond. At some point, it will be absorbed by the soil and percolate down until it reaches the underlying basalt, at which point, the water will find its way downhill to the Willamette River by means not yet fully understood, plotted, or explored by hydrologists, civil engineers or geologists familiar with the area. Since this will proceed out of sight, and certain areas down from the proposed Pond are slippage and landslide areas, I naturally have some concern for both the stability of my own home and others in the neighborhood. If any house is undermined and starts to slide as a result of the Pond, we would be faced with the problem of home prices sliding even faster than the houses.

I have a need to feel secure both living in my home and in retaining the value of my investment in it. Since I pay school taxes and property taxes to the city on this investment, I firmly believe that my concerns should be considered. I would hazard that if property values in the area decline, taxes on those properties must surely follow. Therefore, it would be in the best interest of both the local residents, the city government and the school distract that we work together to find a solution to the Sunset Primary School building plan that serves the highest good of all. Particularly since the explanatory statement on the ballot measure (3-358) authorizing the sale of the 1.6 acres of Sunset Park to the school district clearly states, "If approved, the terms and conditions related to the sale would include Sunset neighbors in the planning process and would maximize recreational opportunities while preserving significant trees at the site."

With the current proposed Sunset Primary School Development Application now under consideration, it appears that this portion of the sale agreement has been ignored by most of those involved both in the West Linn government and the West Linn-Wilsonville School District.

Neither of my objections would be of any consequence if the new school were built where the old school is presently located, and my second objection could be addressed in a more neighborhood friendly manner if the school district provided a smarter onsite solution to runoff water through the use of permeable parking and rain gardens around the building.

Though not a civil engineer, even I can see that the negative impact of replacing the Sunset Primary School could be averted by more innovative and environmentally friendly planning.

Surely working together to find a mutually agreeable solution would be the Best Next Step.

Thank you for taking the time to seriously consider and deny the current plan,

Catherine Cowan

22820 Oregon City Loop

West Linn, Oregon 97068-3437

Vatherine Couser

P.S. My husband is sending a copy of this letter to the Assistant City Attorney for West Linn and to the West Linn-Wilsonville School District to act as notification that should this plan be approved and put into action and its execution result in any damages to our home or to any other houses in the area, that both entities have been warned and must now assume financial responsibility for such damages.

Copies to:

Megan Thornton, Assistant City Attorney West Linn, Oregon

Darren Wyss, Associate Planner, City of West Linn, Oregon

Dr William Rhoades, Superintendant, West Linn-Wilsonville School District Tim K. Woodley, Director of Operations, West Linn-Wilsonville School District RE: File No. CUP-15-03/DR-15-17/VAR-15-01/02/03

March 14, 2016

To the West Linn Planning Commission,



I live across from this 1.6 acres of park-like property that formerly was Sunset Park. It still is being used and functioning as Sunset Park. This has been a public park since 1951 when it was deeded to the City of West Linn to forever be defended for use as a public park or recreational use. As an avid park-goer myself, being in the park several times a week, and seeing it all day long from my front porch and windows, I would like to tell you my observations of this area. On any given day, there are scores of parents and children using the park. Literally hundreds of parents and children use this park. If I didn't live across from this area and see it all the time, I wouldn't think it was true. It is true. I am amazed how much this part of the park gets used. People are constantly driving up and getting out of their car and using this part of the park. People are always walking through the park with their pets as well. The rare occasion where this park sits empty is when there are torrential rains or it is too dark a night. This is a place for kids and families.

This park is a very social area and one of the few parks in this area that has trees. On any given day you will see kids playing hide and go seek among the mature Douglas fir trees. The trees provide endless play and comfort and shade, spanning all ages of needs.

This park area is part of the direct characteristic and identity of Bittner Street, as well as Sunset community as a whole.

The Sunset school and Sunset Park have co-existed for 65+ years. When school is out for the day, the park provides free play for the kids and social ability where kids get to interact with each other in an uninhibited manner next to nature.

This 1.6 acres is the social hub of the entire Sunset community. The area provides stability for the kids to run and play individually, as well as in small and large groups. Kids play tag every day in the open grassy area next to the play structure. Parents interact with one another. The community feel is undeniable. This park is not only a priceless asset for the Sunset neighborhood, but also for families in other neighborhoods around West Linn who frequent this park as well. The social, recreational and identity provisions of this park cannot be underestimated.

I am in favor of the new school being built where the current building exists. If the school will let go of their self-imposed limitations of insisting the new building has to be constructed next to the current one in order for kids to stay on site during the construction, then I see a lot of issues resolving. Bus the school children for a year until the building construction is complete, thus keeping this 1.6 acres the recreational well-loved area that it was always intended to be and deeded to the City of West Linn to be.

I am objecting to the school district proposing to put in a building, parking lot and 3,000 cubic square foot detention pond in this 1.6 acres. All of this does not enhance the identity of the neighborhood community that Sunset Park now has, nor does it fulfill its commitment of leaving a recreational footprint in this area, as stated in the 2010 voter's pamphlet, as well as in the Sunset Neighborhood Association meeting minutes and the Exchange Agreement in 2011.

I am asking for a denial of the current new Sunset primary school building application. Thank you.

Sincerely,

Carrie Hansen

4760 Bittner St.

West Linn, OR 97068

Sunset resident since 1990



### West Linn - Wilsonville Schools

March 14, 2016

West Linn City Planning Commission West Linn City Hall 22500 Salamo Road West Linn, OR 97068



ATTENTION:

Darren Wyss, Associate Planner

RE:

Sunset Primary School Replacement

Conditional Use Permit, Class II Design Review, VAR-15-01, VAR-15-02, VAR-15-03

Dear West Linn Planning Commission:

West Linn-Wilsonville School District and the City of West Linn have collaboratively worked over the past decade to plan for the replacement of the aging Sunset Primary School at its existing location. Over the course of this time the City and District have participated in two community task force efforts, a land exchange to expand the usable acreage of the school site, a City election to sell a portion of Sunset Park to the District and a public election to approve a bond to finance construction of a new school.

The Board of Directors of West Linn-Wilsonville School District is very appreciative of the City partnership in this work to maintain Sunset Primary in the Sunset neighborhood. District and City staff have worked diligently with the Sunset neighborhood to plan the site and public right-of-way in a thoughtful way that brings the school into compliance for fire/life/safety, parking, storm drainage, public utilities and street improvements; while minimizing impact to trees, the environment and neighboring properties.

The School Board strongly supports the new Sunset Primary School design and appreciates the Planning Commission's role in expediently and fairly processing this important decision to the benefit of all District and City patrons, the Sunset neighborhood, parents and the children that will attend this new school for many years to come.

Sincerely,

**BOARD OF DIRECTORS** 

WEST LINN-WILSONVILLE SCHOOL DISTRICT 3JT

CC: Dr. William Rhoades, Supt., West Linn-Wilsonville School District <a href="mailto:rhoadesw@wlwv.k12.or.us">rhoadesw@wlwv.k12.or.us</a>

From: Lynn McKelvey Innmckelvey@hoti

**Sent:** Monday, March 14, 2016 8:33 PM

To: Wyss, Darren

**Subject:** City of West Linn Planning Commission for the Public Hearing regarding Sunset Primary

School

Hello,

I am writing with my comments to the City of West Linn Planning Commission for the Public Hearing regarding Sunset Primary School. My name is Lynn McKelvey and my address is 22680 Clark St., West Linn, OR

Please confirm for me that my comments below will be submitted to the Planning Commission. I am unable to attend the meeting on 3/16/16 in person, and I would like my comments noted for that meeting.

My first comment is that I am in support of having a school at the Sunset location. My daughter attended Sunset and it is a great neighborhood asset. I also believe the park is a great neighborhood asset. We enjoyed the school and have enjoyed the Sunset park for over 15 years and continue to enjoy the park. I have the following concerns about the current design plan. My concerns are as follows:

- 1. The current design deviates significantly from the 2010 design concept. The conceptual design of 2010 shows the portion of the park that was sold to the school was to be designated with trees and green space and a walking path. The 2015 design shows this area replaced with a parking lot, a building, and a fenced storm water detention pond. This portion of the land is the "flatter" area in the park and used extensively by families in the park. The new design greatly reduces the usable and functional part of the park, leaving very hilly/sloping land. The new design really does reduce the usable space of the park by the 1.6 acres that was sold to the school district. It also takes away any sunlight in the park as all that is left is the shady areas. As a year round user of the park, access to some sunshine in the park in the winter and colder months will be desperately missed.
- 2. The ballot measure 3-358 which was on the ballot on May 18, 2010, claimed that the land would be maximized for recreational opportunities while preserving significant trees. The new design seems to violate this claim. The land that was sold to the school district is not providing any recreational opportunities. The 1.6 acres is taken up by a parking lot, a building and a retention pond. All three of those uses do not allow for any recreational use on that land and actually reduce the usable space of the park. In addition, significant trees are being removed and putting at risk the health of additional surrounding fir trees.
- 3. Crown Zellerbach Corporation granted the Sunset Park to the city of West Linn as long as the "property was used solely and only for a public park or other recreational purposes" (per the Special Warranty Deed dated April 19, 1951). As I understand, this needs to be renewed every 30 years and this was not done. I feel that our city lets us down as it is clearly the intent for the gift of this land to be used as a park and because it was not renewed, then they are ignoring the intent of the gift. Per the deed, it would appear that the city should really be giving the land back to Crown Zellerbach rather than having the ability to even put it on the ballot to sell the land to the school district. Rather than just taking the land and selling it, the the city should have done their due diligence and contacted Crown Zellerbach to determine if they really did mean for this to lapse and

would they like the land back or keep the land designated as a gift for a park. I realize this isn't required, but it would have been the morally right course of action.

I believe that a school and a park can co-exist on the land that is available. My wish is for the new design to be re-evaluted and determine if it can look more like the conceptual design of 2010 in an attempt to designate the 1.6 acres of Sunset Park as recreational use space... more of a shared school/community/park space rather than the current design which has it covered with a building, a parking lot, and a retention pond.

Thank you for your review and consideration of my comments.

Lynn McKelvey

From:

Clark, June

Sent:

Monday, March 14, 2016 4:55 PM

To:

Wyss, Darren

Subject:

Sunset Elementary School



Dear Mr. Wyss,

I am a long-time resident in the Sunset neighborhood, on Exeter Street. I approve of the building of the new Sunset Elementary School, and believe it should proceed without delay.

June Clark 4380 Exeter Street West Linn, OR 97068

This message is private or privileged. If you are not the person for whom this message is intended, please delete it and notify me immediately, and please do not copy or send this message to anyone else.

West Linn Planning Commission

West Linn City Hall

22500 Salamo Road

West Linn, Oregon 97068

Subject:

Proposed Sunset Primary School development application

Reference file no: CUP-15-03/DR-15-17/VAR-15-01/02/03

Dear Commissioners,

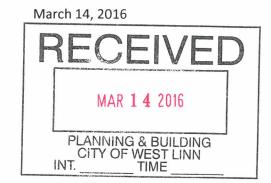
I am writing to you with concerns regarding the process that has unfolded the last several years that has now culminated with the latest concept plans and development application.

The 1951 deed that transferred the Sunset Park property to the City of West Linn from Crown Zellerbach states clearly that this land was to be used solely for park and recreational proposes. The ORS that would force the land to revert back to the grantor has since expired, but the mere fact that the property was intended to be a public park facility would lead one to conclude that ignoring good faith agreements is not in the best interest of the public.

Regarding the verbiage in Measure 3-358 that allowed the school to purchase the 1.6 acres of Sunset Park: "If approved, the terms and conditions related to the sale would include Sunset neighbors in the school planning process,....". The only communication the Sunset Neighborhood Assoc. had was at our March 9, 2010 meeting when a rep from the school district said that the 1.6 acres now owned by the school was to be used as a staging area, and that once the school was complete, it would be returned to a park-like setting. That plan never happened as we now know. Note that this meeting was prior to the ballot measure in May, 2010. The next communication with the neighbors was a meeting held in August 19, 2015 whereby the school had presented plans developed in conjunction with educators and administrative staff. There had been no neighborhood involvement up to this point, as there are no mentions of WLWV School District employees attending Sunset Neighborhood Association meetings as per the minutes.

Concept plans drawn in 2007, 2009 reveal a desire to occupy the northern portion of the 1.6 acres, however, these were not made known to the public. In 2012, after the vote, a design was prominently placed at Sunset School that indicated that the 1.6 acres were indeed to be used as a staging area, inasmuch as the area now looked like a park. This concept was submitted as part of the package to the planning department at the pre-app meeting at City hall on May 9, 2015. At this point, one would logically conclude that the school did not really need the 1.6 acres, and that reason would dictate that an effort to sell it back to the city would be consistent. A win-win for all: "the school gets its money back, and the neighbors get the park back". Why spend money on assets you don't need? If the 2012 plan had any validity, then these conversations might have taken place back then, but of course they never did, and now we know why.

It is rather odd that the 2012 public plan made very casual reference to parking and storm water considerations, both of which were known when Rosemont Middle School was constructed several years prior. These two design elements are what drastically affect the 1.6 acres, and yet, they were



mysteriously hidden from public view and discussion. Transparency in the use of taxpayer paid development strikes at the heart of our republic, and was of course the backbone of the slogan "taxation without representation".

The bio swale was first presented to the public at the neighborhood meeting on November, 10, 2015. It suddenly emerged after the October 20, 2015 meeting. How could such a major change in the development plan appear, as if this was somehow a concept that was not known or anticipated prior?

Regarding the bio swale, a final Hydrologic Analysis Report – Appendix A, page 174 of the application – is missing. This highly relevant information pertains to the topographical effects that a large retention pond would create, especially to the land downstream, most of which would be on private property. Is any of this of concern?

Regards,
DOS D. V.

Douglas R. Vokes

4972 Prospect St

West Linn, OR 97068

Victoria Meier 4669 Exeter Street, West Linn 97068 March 13, 2016

Re: The Public Hearing for Sunset Primary School Building Application



To the Members of the City of West Linn Planning Commission:

Twenty-eight years ago I moved into Sunset Neighborhood with three young boys for three reasons: the excellent schools, the comfortable mix of newer and older homes, and the nearby park. Over the years, my boys played in the park, and since they've grown up, I've continued to enjoy knowing that other children play there. Together the elementary school and the park form the center of Sunset, a place I've been happy to call home.

When I learned that the school district might sell the property and move the school elsewhere, I was one of those who cared enough to go door to door gathering signatures to keep our school right here. Imagine my distress and sense of betrayal when I read the language of Measure 3-358 indicating that in order to build, the city would sell 1.6 acres of the park to the school district. Crown Zellerbach gave the land to the citizens of West Linn to be a park in perpetuity for our pleasure and recreation, not to be sold off. Later, I had hope for the park when the architects presented the 2010 design concept, which clearly showed the current park unchanged.

However, the November 2015 design concept came as a second shock. While the design for the school itself is most satisfactory, the changes for the use of the park promise nothing for the citizens of this neighborhood but two ugly problems. Now, instead of a playground, there might be a parking lot and a large bio-swale. To put a parking lot where once children played does not "maximize recreational opportunities while preserving significant trees" (Measure 3-358). I understand that the city code requires a certain number of parking spaces per square foot for a public building, but this is an elementary school. Most of the allotted spaces would remain empty except on the handful of days when parents come for an event. I feel strongly that the other parking lots on Oxford would suffice and that the code should be waived to honor the historic use of the park.

The bio-swale presents even more problems. Knowing human behavior, the garbage that is now found by the picnic shelter would also be tossed into the bio-swale and be difficult to remove. The most important problem by far, though, is the danger the bio-swale would pose by increasing the amount of ground water that would flow downhill. Douglas firs do not tolerate standing water and would fail. Furthermore, according to the work of the hydrologist hired by the neighborhood, several homes on Long Street would be subject to increased flooding. This proposed design works only in a best-case scenario, assuming no adverse effects. While the land may truly be drier on the average, it would be much worse during storms, storms that are increasing as we undergo climate change. The November 2015 concept is not the only design that's possible. For example, to mitigate surface water, the school could be built with French drains, and the necessary parking lots on Oxford Street could be built with pavers.

These trees, along with the play equipment, are the heart of Sunset Park. I feel confident that the city I've called home for so long will give this problem thoughtful consideration. You will find a good solution that preserves the historical quality of our park for both the trees and for the small children who need a sunny place to play while the older ones enjoy their new school.

Yours most sincerely, Victoria L. Meier

From:

Sunday, March 13, 2016 11:54 AM

Sent: To:

Wyss, Darren

Subject:

Approval of plans to rebuild Sunset School



Hello Darren,

I live at 2590 Oregon City Blvd which backs on to Sunset School. I have reviewed the recently updated plans. I find the recent changes have addressed my concerns.

I am pleased to give my approval to the plans and hope the rebuild proceeds.

Best Regards Philip Atkin

From:

Wayne Tilley

Sent:

Saturday, March 12, 2016 12:44 PM

To:

Wyss, Darren

Subject:

Sunset School Replacement

3/12/2016

To: West Linn Planning Commission



We have lived at 2580 Oregon City Blvd. for thirty one years. Our home backs up to Sunset Grade School. We have attended several of the meetings regarding the building of a new school and served on the preliminary committee that decided the site location. We feel the school district has listened to the neighborhood concerns and modified plans accordingly. Therefore, we strongly support the planning commission's approval for the Conditional Use Permit and the construction of the new Sunset School.

Sincerely, Wayne and Maggie Tilley 2580 Oregon City Blvd. West Linn, OR 97068

From:

Sent:

Wednesday, March 09, 2016 9:06 AM

To: Subject:

Wyss, Darren Sunset School



### Darren,

My name is Todd Harding. I own my home located at 2660 Oregon City Blvd. I am 100% in favor of the new school being constructed as currently planned and oppose any further rhetoric in regard to it. I appreciate all of your hard work on this and look forward to construction commencing,

Regards,

**Todd Harding** 

From:

Bill Dahl <

Sent:

Wednesday, March 09, 2016 7:07 AM

To:

Wyss, Darren

Subject:

Conditional Use Permit for Sunset School Replacement



3/09/2016

To: West Linn Planning Commission

Re: Conditional Use Permit for Sunset School Replacement

Our property located at 2640 Oregon City Blvd adjoins the Sunset School property and we have lied here since 1974.

We would like to express our desire for planning commission approval for the Conditional Use Permit to allow construction of the new school to begin.

The school district has complied with all requirements of measure 3-358 in selling a portion of Sunset Park to the district. Additionally they have addressed all the requirements of the staff report.

The district has shown a willingness to adjust plans to meet the neighborhood concerns as much as possible.

Because of the complexities restrictive time line for building a new school in place we would recommend approval without delay as delays will only lead to cost increases.

Regards, Bill and Geneva Dahl 2640 Oregon City Blvd West Linn OR 97068